



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMES J. POLIDORA,

Plaintiff,

-against-

D'AGOSTINO & ASSOCIATES,

Defendant.

19-CV-1290 (AJN) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

By order dated July 27, 2021 (July 27 Order) (Dkt. No. 88), the Court noted plaintiff's repeated violations of its recent scheduling orders, but declined to exclude plaintiff's untimely expert reports on that basis. Instead, the Court warned plaintiff against further violations of its scheduling orders, *see* July 27 Order at 4, and directed plaintiff to pay defendants' reasonable expenses, including attorneys' fees, incurred in connection with its meritorious June 22, 2021 challenge to the initial expert report of Ms. Di Bianca. *See id.* at 6. The Court further directed that, if the parties were unable to come to an agreement as to the amount of the sanction, defendant's application would be due August 10, 2021, and plaintiff's opposition would be due August 17, 2021. *Id.*

On August 10, 2021, defendant timely filed its fee application, seeking an award of \$4,377.78. (Dkt. No. 89.)

Plaintiff has not filed any opposition papers.

Plaintiff having once again "failed without excuse to comply with a briefing schedule," July 27 Order at 4, defendant's unopposed motion is GRANTED.

It is hereby ORDERED that plaintiff James J. Polidora and his counsel, Christopher A. Errante, shall pay the sum of \$4,377.78 to defendant no later than **September 1, 2021**, and shall confirm on the record of this action that the payment was made timely and in full. Plaintiff and his counsel are jointly and severally liable for this sum.

The Clerk of Court is respectfully directed to close the letter-motion at Dkt. No. 89.

Dated: New York, New York  
August 18, 2021

**SO ORDERED.**

A handwritten signature in blue ink, appearing to read "Barbara Moses".

**BARBARA MOSES**  
United States Magistrate Judge